

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

BRADBURY <i>P</i>	EDMONDS <i>A</i>	GiaQUINTA <i>P</i>
HENRY <i>P</i>	LONG <i>A</i>	LUNSEY <i>A</i>
RAVINE <i>P</i>	SCHMIDT <i>P</i>	TALARICO <i>P</i>

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,  
APPROVED AND PUBLISHED.

ROLL CALL

COMMITTEE SESSION

AUGUST 8, 1995

CITY OF FORT WAYNE, INDIANA

The Common Council of the City of Fort Wayne met in the  
Common Council Conference Room 128 Tuesday evening  
August 8, 1995, in Committee Session. President  
Donald J. Schmidt, in the chair, Council Attorney  
Stanley A. Levine, and Sandra E. Kennedy City  
Clerk, at the desk, present the following members  
viz:

\*\*\*\*\*  
BRADBURY Present, EDMONDS Present, GIAQUINTA Present <sup>late 6:25</sup>  
HENRY Present, LONG Absent, LUNSEY Present - <sup>late</sup>  
RAVINE Present, SCHMIDT Present, TALARICO Present

\*\*\*\*\*

ABSENT: \_\_\_\_\_

COUNCIL MEMBER ~~Giaquinta~~, Long, \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_

\*\*\*\*\*



# The City of Fort Wayne

Paul Helmke, Mayor

July 20, 1995

## COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated right-of-way.

The proposed ordinance is designated as:

Bill No. G-95-06-11

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
20th day of July 1995.

A handwritten signature in black ink that reads "Carol Kettler Sharp".

Carol Kettler Sharp  
Secretary

/pb

XC: File

# FACT SHEET

G-95-06-11

BILL NUMBER

## Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Alley Vacation Ordinance

### DETAILS

#### Specific Location and/or Address

The North-South alley from Moliter, east of Lombard Street.

#### Reason for Project

Future expansion of Bentz Metal Products Company, Inc.

#### Discussion (Including relationship to other Council actions) 19 June 1995 - Public Hearing

George Malcom, 4172 Greenhill Drive, general contractor for Bentz Metals Products Company, Inc., appeared before the Commission. Mr. Malcolm stated that they are asking to vacate the alley to facilitate the expansion of Bentz Metals. He stated that they have a growth indicator for the next 10 years and it indicates that their business will double. He stated that without the alley vacation and the acquisition of more land they will not be able to expand, but will have to relocate.

Mel Smith questioned if they would have any problems relocating utilities if necessary.

Mr. Malcolm stated that he did not believe that there were any utilities located in the alley, but if there are, they will be more than happy to relocate them as necessary.

There was no one else who spoke in favor of or in opposition to the proposed vacation.

### POSITIONS

### RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide  Other Areas
Applicants/ Proponents	Applicant(s) Bentz Metals Products Company, Inc. City Department  Other
Opponents	Groups or Individuals  Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against  Reason Against
Board or Commission Recommendation	By  <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

# DETAILS

26 June 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six (6) members present, five (5) voted for the motion, the Chair did not vote. Motion carried.

Members Present: James Hoch, Thomas Quirk, Dave Ross, Donald Schmidt, Carol Kettler Sharp, Mel Smith

Members Absent: Linda Buskirk, Ernest Evans, Vicky VerPlanck

## POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 17 May 1995

Projected Completion or Occupancy

Date 20 July 1995

Fact Sheet Prepared by  
Patricia Biancaniello

Date 20 July 1995

Reviewed by

Date 24 July 1995

Reference or Case Number

# VACATION PETITION

AREA MAP

CASE NO. #588



COUNCILMANIC DISTRICT NO. 1

Map No. Q - 2  
LW 5-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

**Thomas J. Grant, agent for Bentz Metal Products and Pedden Composites Inc., request the vacation of a portion of a north-south alley.**

Location: N-S alley south from Molitor, East of Lombard Street.

Legal: See file

Land Area: Approximately 0.04 acres

Zoning: R-2 / M-2

Surroundings:

North	M-2	Railroad
South	R-2	Residential
East	R-2	Residential
West	M-2	Industrial

Reason for Request: Future expansion

Neighborhood Assoc.: East Side Community Association.

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

**Planning Staff Discussion:**

This request is coupled with a rezoning request that would allow future expansion of an existing area business. As we note in the staff discussion of the rezoning petition, the petition has already fenced in the area of the alley right-of-way, and is currently using it for outside storage.

Neither this alley nor the east west alley has been opened or improved. It would not appear that the alley is not needed for access to public ways or places. Approval of this request would not impact property values in the immediate area. In fact the potential for future development may increase the likelihood of other reinvestment.

Recommendation: Conditional Approval contingent upon the petitioners providing utility easements or relocations as needed, and for the following reasons:

- 1) The alley is not needed for access to public ways or places.

2) Conditions in the area have apparently changed since the alley was originally established.

3) Approval will allow expansion of an existing area business which is consistent with development on the east side of Roy Street.



RESOLUTION 82-5-15

WHEREAS, BENTZ METAL PRODUCTS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

The remaining 13 feet (the East 1 foot of the platted 14 foot alley was previously vacated in 1930) of that portion of the platted 14 foot alley adjacent to and west of Lot 36 in Roy's Addition to East Wayne Street, now in the City of Fort Wayne, in Allen County, Indiana, according to the Plat thereof recorded in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN )

I, Linda Buskirk, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 13, 1995 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 16 DAY OF July 1995

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk  
Linda Buskirk  
Chairman, Board of Public Works

C. James Owen  
C. James Owen  
Member, Board of Public Works

Terrance P. McCaffrey  
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all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on June 19, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)

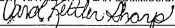
) SS:

COUNTY OF ALLEN )

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, June 26, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 7th DAY OF July, 1995

FORT WAYNE CITY PLAN COMMISSION



Carol Kettler Sharp  
Secretary



## MEMORANDUM

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TO: City Council Members

FROM: Gary Stair, *GS* Director of Planning, Community and Economic Development

DATE: July 20, 1995

SUBJECT: Recommendation from Plan Commission

The attached right-of-way vacation has been reviewed by the Fort Wayne Plan Commission and forwarded to you for final action. The Plan Commission's recommendation on this case, made after public hearing and review, has been certified by the Commission's Secretary and is summarized on the attached "Fact Sheet".

Occasionally, there will be a significant delay between the time the petition is filed and when the Plan Commission certifies its recommendation and forwards the case to you. This delay occurs when a petition receives "Conditional Approval" -- approval subject to the petitioner fulfilling certain obligations. In such cases the Plan Commission's staff holds the petition until all conditions have been met by the petitioner. Once all conditions have been satisfied, the case is forwarded to you.

As always, if you have any questions concerning the attached cases, please do not hesitate to call me or Pat Fahey of the Land Use Management staff at 427-1140.

/pb

Vacation Petition - Bill No. G-95-06-11

Amendment: Alley Vacation Ordinance

Location: The North-South alley from Moliter, east of Lombard Street.

Applicant: Bentz Metals Products Company, Inc.

Proponents: George Malcolm, general contractor for petitioner

Opponents: None

Summary of Discussion: This vacation would help facilitate the future expansion of Bentz Metals Products Company, Inc.

Staff Recommendation: Do Pass

Plan Commission Recommendation: Do Pass

Recommendation Given: June 26, 1995

Committee Session Date: The Committee Session date will depend upon the publication of the legal notice by Council staff.



## MEMORANDUM

---

TO: City Council Members

FROM: Gary Stair, *GS* Director of Planning, Community and Economic Development

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Opponents: None

Summary of Discussion: This vacation would help facilitate the future expansion of Bentz Metals Products Company, Inc.

Staff Recommendation: Do Pass

Plan Commission Recommendation: Do Pass

Recommendation Given: June 26, 1995

Committee Session Date: The Committee Session date will depend upon the publication of the legal notice by Council staff.

REGULATORY RESOLUTION NO. 41/95/E

(Adopted 08/03/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

STOP INTERSECTION

(EMERGENCY)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 07/30/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 08/03/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

STOP INTERSECTION

(EMERGENCY)

Orchard Lane

-stop-

for Corvallis Ave.

REGULATORY RESOLUTION NO. 42/95/D

(Adopted 08/03/95)

WHEREAS, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986 authorized the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 70.30 of said Title delegates to this Board authority to:

PREFERRED INTERSECTION

(DELEGATED)

WHEREAS, the City Traffic Engineer has, by written memorandum dated 07/30/95, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the Office of the Board:

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:**

That pursuant to the authority delegated to this Board, Section 70.30, Title 7 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective 08/03/95, and when signs are erected pursuant hereto giving notice thereof, that the following is established:

DELETE:

PREFERRED INTERSECTION

(DELEGATED)

Corvallis Ave.

-preferential-

at Orchard Lane



TRAFFIC ENGINEERING DEPARTMENT

REPORT NO. BPS/29/95 SHEET 1 OF 1 DATE July 30, 1995

TO: PAYNE BROWN - BOARD OF PUBLIC SAFETY

FROM: TOM MANNY - TRAFFIC ENGINEER

SUBJECT: STOP INTERSECTION

Please be advised our office has received a letter from Paul Rykard, President of Belle Vista/Allendale Neighborhood Association, requesting a traffic study at the intersection of Orchard Lane and Corvalis Ave.

A combination of traffic volume and geometric design satisfies warrants for a more restrictive control then the existing Yield signs.

It is hereby recommended that the Board of Public Safety authorize the following:

STOP INTERSECTION 4-4-95 (EMERGENCY)

Orchard Lane - stop - for Corvalis Ave.

DELETE:

PREFERRED INTERSECTION 4-4-95 (DELEGATED)

Corvalis Ave. - preferential - at Orchard Lane

Respectfully submitted,

*Tom Manny*  
Tom Manny  
Traffic Engineer

*Dds*  
*8-3-95*

TM/lc

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 8th day of August, 19 95, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 10th day of August, 19 95.

Sandra E. Kennedy  
City Clerk